

ARTICLE 89-01

GENERAL ADMINISTRATION

Chapter
89-01-01 Organization of Water Commission

CHAPTER 89-01-01 ORGANIZATION OF WATER COMMISSION

Section
89-01-01-01 Organization and Functions of the Water Commission

89-01-01-01. Organization and functions of the water commission.

1. **History of commission.** The North Dakota state water commission was established in 1937, as an emergency measure during the prolonged drought. The legislation, codified as North Dakota Century Code chapter 61-02, contains a preamble that provides an insight into the legislative intent for creating the commission, both a state agency and a public corporation. North Dakota Century Code section 61-02-01 states:

It is hereby declared that the general welfare and the protection of the lives, health, property, and the rights of all the people of this state require that the conservation, management, development and control of waters in this state, public or private, navigable or unnavigable, surface or subsurface, the control of floods, and the management of the atmospheric resources, involve and necessitate the exercise of the sovereign powers of this state and are affected with and concern a public purpose. It is declared further that any and all exercise of sovereign powers of this state in investigating, constructing, maintaining, regulating, supervising, and controlling any system of works involving such subject matter embraces and concerns a single object, and that the state water commission in the exercise of its powers, and in the performance of all its official duties, shall be considered and construed to be performing a governmental function for the benefit, welfare, and prosperity of all the people of this state.

The law originally provided that the state engineer was the chief technical adviser of the commission but that such responsibilities would be in addition to the engineer's regular duties as state engineer. In 1941 the law was amended to provide that the state engineer would be the secretary and chief engineer of the commission.

2. **Commissioners.** Two commissioners, the governor, and the agriculture commissioner of agriculture are statewide elected officials elected for four-year terms. Seven commissioners are appointed by the

governor for terms of two to six years. The governor is the chairman of the commission; a vice chairman is designated by the commission.

3. **Secretary to the commission.** The state engineer is the statutory secretary and chief engineer to the commission. The secretary assists the commission by coordinating the operations of the commission and relieving the individual commissioners of administrative detail.
4. **Commission divisions.** The commission consists of the following five divisions:
 - a. Division of administrative and support services.
 - b. Division of planning and education.
 - c. Division of water appropriation.
 - d. Division of water development.
 - e. Division of atmospheric resources.
5. **Functions of commission divisions.**
 - a. Division of administrative and support services. The duties of the division of administrative services are to provide accounting, budget, and fiscal control, personnel functions, support services for other agency divisions, and other administration functions. The division also provides coordination in water resource programs with federal agencies, state agencies, and local entities. Support services include the development and maintenance of the agency information technology infrastructure and related technology resources.
 - b. Division of planning and education. The division of planning and education is responsible for the long-range comprehensive water and related land resources planning functions of the commission. The geographical scope of such studies range from individual watersheds in North Dakota to interstate river basins. The level of detail ranges from reconnaissance to specific projects.
 - c. Division of water appropriation. The division of water appropriation is responsible for the collection, storage, interpretation, and dissemination of hydrologic and water quality data. Using these data, specific water management programs are developed for individual water sources that will optimize their utilization.
 - d. Division of water development. The primary functions of the division of water development involve water resource management

and water resource project development, with emphasis on surface water. This includes drainage and diking, control of meandered lakes, floodplain management, hydrologic investigation, special studies, and the construction of water management projects such as dams, dikes, ditches, irrigation projects, water supply systems, and pump structures.

- e. Division of atmospheric resources. The atmospheric resource board was created by the legislative assembly in 1975 and was known as the weather modification board. The weather modification board was a division of the state aeronautics commission. In 1981, this division of the aeronautics commission was transferred to the water commission and the board was placed under the direction and supervision of the water commission. The primary functions of the division of atmospheric resources involve weather modification research and development, including the supervision and coordination of all research and development activities in the state or research and development activities outside the state participated in or conducted by any state institution or state or county agency. The atmospheric resource board consists of the director of the state aeronautics commission, a representative of the environmental section of the state department of health, the state engineer, and seven additional members appointed by the governor from seven districts within the state.

- 6. **Inquiries.** Inquiries regarding the water commission and state engineer may be addressed as follows:

North Dakota State Water Commission
State Office Building
900 East Boulevard Avenue
Bismarck, North Dakota 58505-0850
(701) 328-2750

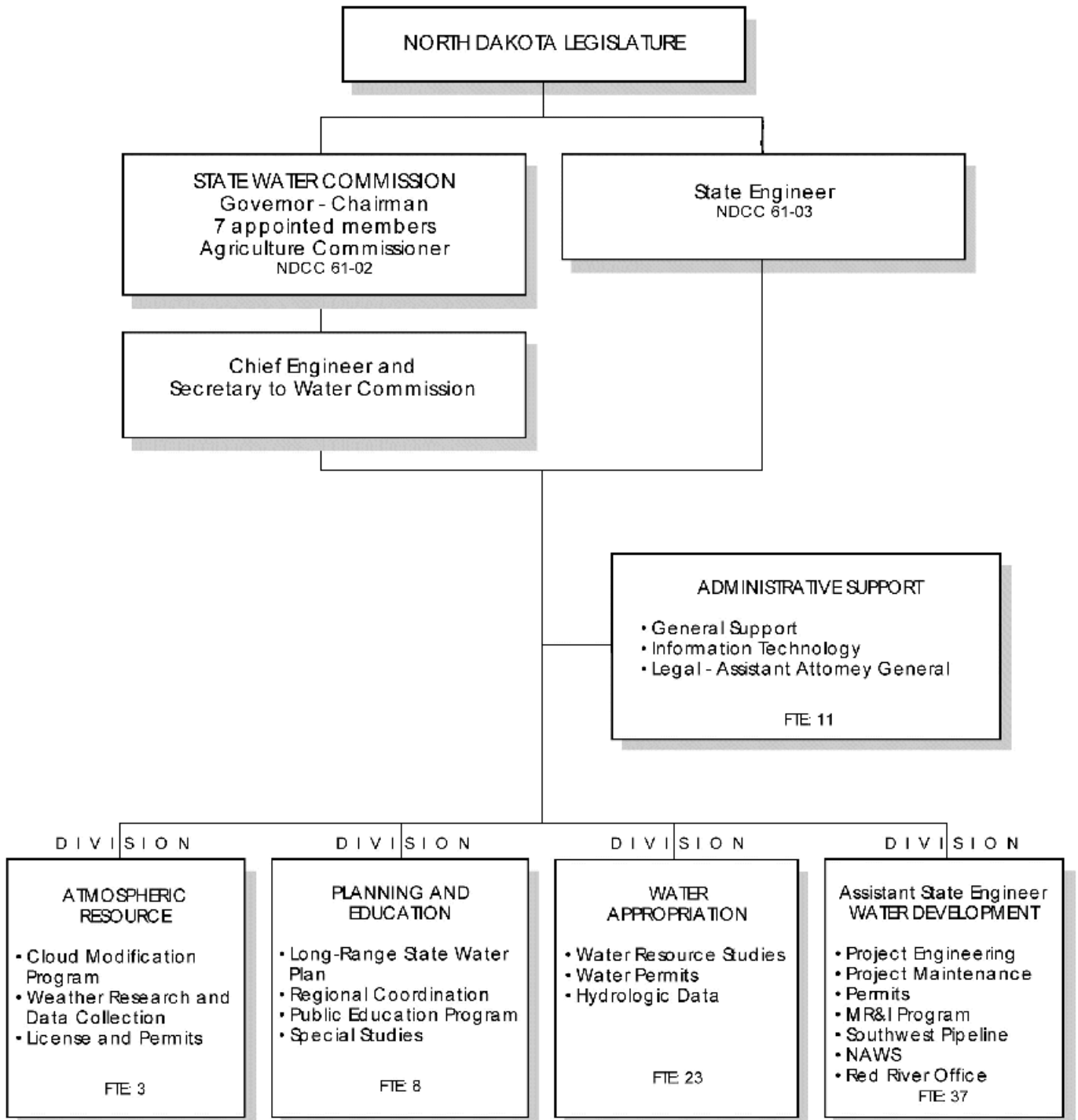
- 7. **Organizational chart.** A descriptive organizational chart of the commission is attached to this section as an appendix.

History: Amended effective August 1, 1983; November 1, 1985; October 1, 1987; November 1, 1989; December 1, 1989; February 1, 1992; February 1, 1993; April 1, 1994; December 1, 1997; February 1, 2003.

General Authority: NDCC 28-32-02.1

Law Implemented: NDCC 28-32-02.1

North Dakota State Water Commission Organizational Chart



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